

# Exhibit 10

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DEPUY SYNTHES PRODUCTS, LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 11-652-LPS
	:	
GLOBUS MEDICAL, INC.,	:	
	:	
Defendant.	:	

**ORDER**

At Wilmington this 15th day of May, 2013, for the reasons stated in Court during the pretrial conference held on May 14, 2013, IT IS HEREBY ORDERED that:

1. Globus Medical, Inc.'s ("Globus") Motion for Reconsideration in Part of the Court's May 7, 2013 Memorandum Opinion on Claim Construction (D.I. 262) is DENIED.
2. Globus' Motion for Leave to File a Motion for Summary Judgment of Noninfringement of the '616 Patent in View of the Court's Recent Claim Construction (D.I. 261) is DENIED.
3. DePuy Synthes Products, LLC's ("Synthes") Motion for Summary Judgment of Infringement of Claims 1, 3, and 5 of U.S. Patent No. 7,862,616 (D.I. 138) is DENIED.
4. Globus' Motion for Partial Summary Judgment (D.I. 146) is DENIED IN PART and GRANTED IN PART. To the extent the motion presents issues related to the anchorable within and upper/lower plane limitations, as well as enablement, written description, and indefiniteness, it is DENIED AS MOOT. The motion is DENIED with respect to noninfringement and invalidity for obviousness. The motion is GRANTED with respect to willful infringement.

5. Synthes' Motion for Summary Judgment that the Asserted Patents are Not Invalid as Anticipated by Kozak or Michelson '019 (D.I. 133) is GRANTED.

6. Synthes' Motion to Strike Untimely Opinions in the Declaration of Dr. Domagoj Coric, M.D. (D.I. 180) is DENIED AS MOOT.

7. Globus' Motion to Strike the Untimely and Improper Declaration of Wilson C. Hayes, Ph.D. (D.I. 216) is DENIED AS MOOT.

8. Globus' *Daubert* Motion to Exclude Certain Testimony of Paul Ducheyne, Ph.D., Roger Härtl, M.D., and Wilson Hayes, Ph.D. (D.I. 145) is DENIED.

9. Synthes' Motion to Exclude Improper Expert Testimony of Domagoj Coric, M.D. (D.I. 144) is DENIED.

10. Globus' *Daubert* Motion to Exclude Certain Testimony of John Hall, M.D. (D.I. 131) is DENIED IN PART and GRANTED IN PART. The motion is GRANTED with respect to testimony related to Globus' reputation. The motion is DENIED in all other respects.

11. Globus' *Daubert* Motion to Exclude Certain Testimony of Richard J. Gering, Ph.D. (D.I. 136) is DENIED.

12. Synthes' Motion to Exclude Improper Expert Testimony of James D. Woods, Ph.D. (D.I. 141) is DENIED.

13. Synthes' Motion in *Limine* #1 to Preclude Globus from Offering Evidence Regarding Consultations with Counsel (D.I. 255 Ex. 10) is DENIED AS MOOT.

14. Synthes' Motion in *Limine* #2 to Preclude Globus from Offering Expert Testimony that Should Have Been Disclosed Previously (D.I. 255 Ex. 10) is DENIED AS MOOT.

15. Synthes' Motion in *Limine* #3 to Preclude Previously Undisclosed Globus

Witnesses and Opinions (D.I. 255 Ex. 10) is DENIED. The motion with respect to David Paul and David Demski is DENIED AS MOOT. The motion with respect to Messrs. Williams, Payne, Silber, Joyce, Seifert, and Davenport is DENIED. Synthes is permitted to take depositions of Messrs. Williams, Payne, Silber, Joyce, Seifert, and Davenport at a time and place convenient to Synthes prior to trial. The depositions will be limited in scope to statements upon which Dr. Woods relies. With the exception of Mr. Davenport, the depositions are limited to two hours per witness. Mr. Davenport's deposition is limited to three hours.

16. Globus' Motion in *Limine* #1 to Exclude Any Reference to the Existence of, or Facts Associated with, Other Litigations Between the Parties (D.I. 255 Ex. 13) is GRANTED.

17. Globus' Motion in *Limine* #2 to Exclude Improper Expert Opinions (D.I. 255 Ex. 13) is DENIED.

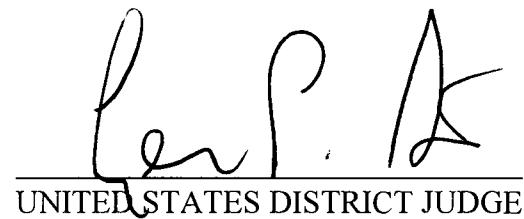
18. Globus' Motion in *Limine* #3 to Exclude Any Reference to Globus' Redesigned Products as an Admission that Globus' Accused Products Infringe (D.I. 255 Ex. 13) is GRANTED.

19. Globus' Request to Bifurcate the Trial (D.I. 255) is DENIED.

20. On May 16, 2013, the parties shall submit letters regarding their positions as to whether Globus should be permitted to present evidence at trial relating to its non-infringement defense based on the non-metallic element of the claims. On May 17, 2013, the parties may submit responsive letters.

21. By no later than May 23, 2013, Synthes will inform Globus as to the number and identity of asserted claims that will be presented at trial. Absent agreement of the parties, Synthes may not alter this list prior to trial.

22. By no later than May 30, 2013, the parties shall meet and confer and submit to the Court blacklined versions of Jury Instructions and the Verdict Form, as well as brief written submissions regarding their positions.



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UNITED STATES DISTRICT JUDGE